



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,182	02/24/2004	Hideki Sawano	1046.1312	1131

21171 7590 10/06/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ADDY, ANTHONY S

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,182

Applicant(s)

SAWANO, HIDEKI

Examiner

Anthony S. Addy

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 11 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 5, applicant recites the limitation "the self-apparatus" on page 34, line 25, however there is insufficient antecedent basis for this limitation in the claim.

With respect to claim 11, applicant recites the limitation " the self-apparatus " on page 37, line 12, however there is insufficient antecedent basis for this limitation in the claim.

With respect to claim 17, applicant recites the limitation "the self-apparatus" on page 40, line 2, however there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by **Martorana, U.S. Patent Number 6,876,326 (hereinafter Martorana)**.

Regarding claim 1, Martorana teaches a measuring apparatus cooperating with a service device for providing position information to a request apparatus requesting a position of a search object (see col. 4, lines 44-52, col. 7, lines 54-61, col. 7, line 66 through col. 8, line 5, col. 21, line 54 through col. 22, line 21 and Fig. 1; where reference radios 14, 16, 18 and 20 reads on a measuring apparatus cooperating with a master radio 12 [i.e. reads on a service device] for providing information to a search device [i.e. the reference radios 14, 16, 18 and 20 are capable of serving as a search device, which reads on a request apparatus] requesting a position of a target device [i.e. reads on a search object]), comprising: a unit accepting from the request apparatus a search request for searching the position of the search object (see col. 8, line 40 through col. 9, line 23 and col. 21, line 54 through col. 22, line 21); a unit calculating a distance between the measuring apparatus and the search object (see

col. 21, lines 8-30); a unit acquiring present position information of the measuring apparatus (see col. 8, lines 40-52 and col. 20, lines 46-59); and a unit transmitting the present position information and the distance information to the service device (see col. 8, line 63 through col. 9, line 23).

Regarding claim 2, Martorana teaches all the limitations of claim 1. In addition, Martorana teaches, measuring apparatus, further comprising: a unit transmitting radio waves receivable by the search object; and a unit receiving a response to the radio waves from the search object (see col. 22, line 1-21 and col. 23, line 7-31).

Regarding claim 3, Martorana teaches all the limitations of claim 1. In addition, Martorana teaches, measuring apparatus, wherein the search request contains information capable of specifying the request apparatus, and the unit transmitting the present position information and the distance information together with the specifiable information to the service device (see col. 22, lines 3-21, col. 22, lines 48-66 and col. 23, line 47 through col. 24, line 43).

Regarding claim 4, Martorana teaches a service device for providing position information to a request apparatus requesting the position information of a search object (see col. 8, line 40 through col. 9, line 12 and col. 21, line 54 through col. 22, line 21 and Fig. 1; where a master radio 12 [i.e. reads on a service device] for providing information to a search device [i.e. the reference radios 14, 16, 18 and 20 are

capable of serving as a search device, which reads on a request apparatus] requesting a position of a target device [i.e. reads on a search object]), comprising: a unit receiving, from a measuring apparatus for measuring a position of the search object, present position information of the measuring apparatus and information about a distance between the measuring apparatus making the measurement and the search object (see col. 8, lines 40-52, col. 20, lines 46-59 and col. 8, line 63 through col. 9, line 23); and a unit transmitting to the request apparatus the position information of the search object that has been calculated based on the present position information and the information about the distance to the search object (see col. 8, line 63 through col. 9, line 23).

Regarding claim 5, Martorana teaches a request apparatus provided with position information of a search object through a system including a service device for providing the position information of the search object and measuring apparatuses for reporting distances to the search object to the service device (see col. 4, lines 44-52, col. 7, lines 54-61, col. 7, line 66 through col. 8, line 5, col. 21, line 54 through col. 22, line 21 and Fig .1; where reference radios 14,16, 18 and 20 reads on a measuring apparatus cooperating with a master radio 12 [i.e. reads on a service device] for providing information to a search device [i.e. the reference radios 14,16, 18 and 20 are capable of serving as a search device, which reads on a request apparatus] requesting a position of a target device [i.e. reads on a search object]), comprising: a unit transmitting a search request for the position information of the search object to

the measuring apparatuses existing in the periphery of the self-apparatus (see col. 22, lines 1-54); and a unit receiving via the service device the position information of the search object that is based on the reports given from the measuring apparatuses (see col. 24, lines 14-42 and col. 8, line 40 through col. 9, line 23).

Regarding claim 6, Martorana teaches all the limitations of claim 5. In addition, Martorana teaches, request apparatus, wherein the search request contains information capable of specifying the individual request apparatus and information for designating the search object, and the receiving unit receives the position information in accordance with the specifiable information (see col. 22, lines 3-21, col. 22, lines 48-66 and col. 23, line 47 through col. 24, line 43).

Regarding claims 8 and 14, Martorana teaches a storage medium that stored an executable-by- computer and a method executed by a apparatus cooperating with a service device for providing position information to a request apparatus requesting a position of a search object (see col. 4, lines 44-52, col. 7, lines 54-61, col. 7, line 66 through col. 8, line 5, col. 21, line 54 through col. 22, line 21, Figures 9-12 and Fig .1; where reference radios 14,16, 18 and 20 reads on a measuring apparatus cooperating with a master radio 12 [i.e. reads on a service device] for providing information to a search device [i.e. the reference radios 14,16, 18 and 20 are capable of serving as a search device, which reads on a request apparatus] requesting a position of a target device [i.e. reads on a

search object]), comprising: accepting from the request apparatus a search request for searching the position of the search object (see col. 8, line 40 through col. 9, line 23 and col. 21, line 54 through col. 22, line 21); transmitting radio waves receivable by the search object; receiving a response to the radio waves from the search object (see col. 22, line 1-21 and col. 23, line 7-31); calculating a distance between the apparatus and the search object from the response received (see col. 21, lines 8-30); acquiring present position information of the apparatus (see col. 8, lines 40-52 and col. 20, lines 46-59); and transmitting the present position information and the distance information to the service device (see col. 8, line 63 through col. 9, line 23).

Regarding claim 9, Martorana teaches all the limitations of claim 8. In addition, Martorana teaches a position information measuring method, wherein the search request contains information capable of specifying the request apparatus, and transmitting the present position information and the distance information together with the specifiable information to the service device (see col. 22, lines 3-21, col. 22, lines 48-66 and col. 23, line 47 through col. 24, line 43).

Regarding claims 10 and 16, Martorana teaches a storage medium that stored an executable-by-computer and a method executed by a service device for providing position information to a request apparatus requesting the position information of a search object (see col. 8, line 40 through col. 9, line 12 and col.

21, line 54 through col. 22, line 21, Figures 9-12 and Fig .1; where a master radio 12 [i.e. reads on a service device] for providing information to a search device [i.e. the reference radios 14,16, 18 and 20 are capable of serving as a search device, which reads on a request apparatus] requesting a position of a target device [i.e. reads on a search object]) , comprising: receiving, from a measuring apparatus for measuring a position of the search object, present position information of the measuring apparatus and information about a distance between the measuring apparatus making the measurement and the search object (see col. 8, lines 40-52, col. 20, lines 46-59 and col. 8, line 63 through col. 9, line 23); and transmitting to the request apparatus the position information of the search object that has been calculated based on the present position information and the information about the distance to the search object (see col. 8, line 63 through col. 9, line 23).

Regarding claims 11 and 17, Martorana teaches a storage medium that stored an executable-by- computer and a method executed by a apparatus provided with position information of a search object through a system including a service device for providing the position information of the search object and measuring apparatuses for reporting distances to the search object to the service device (see col. 4, lines 44-52, col. 7, lines 54-61, col. 7, line 66 through col. 8, line 5, col. 21, line 54 through col. 22, line 21 and Fig .1; where reference radios 14,16, 18 and 20 reads on a measuring apparatus cooperating with a master radio 12 [i.e. reads on a service device] for providing information to a

search device [i.e. the reference radios 14,16, 18 and 20 are capable of serving as a search device, which reads on a request apparatus] requesting a position of a target device [i.e. reads on a search object]), comprising: transmitting a search request for the position information of the search object to the measuring apparatuses existing in the periphery of the self-apparatus (see col. 22, lines 1-54); and receiving via the service device the position information of the search object that is based on the reports given from the measuring apparatuses (see col. 24, lines 14-42 and col. 8, line 40 through col. 9, line 23).

Regarding claims 12 and 18, Martorana teaches all the limitations of claims 11 and 17. In addition, Martorana teaches a storage medium that stored an executable-by- computer and a position information measuring method, wherein the search request contains information capable of specifying the individual request apparatus and information for designating the search object, and receiving the position information in accordance with the specifiable information (see col. 22, lines 3-21, col. 22, lines 48-66 and col. 23, line 47 through col. 24, line 43).

Regarding claim 15, Martorana teaches all the limitations of claim 13. In addition, Martorana teaches a position information measuring method, wherein the search request contains information capable of specifying the request apparatus, and transmitting the present position information and the distance information together with the specifiable information to the service device (see

col. 22, lines 3-21, col. 22, lines 48-66 and col. 23, line 47 through col. 24, line 43).

Regarding claims 7, 13 and 19, Martorana teaches all the limitations of claims 5, 11 and 17. In addition, Martorana teaches a position information measuring method, further comprising receiving setting of a search object range in the periphery of the self-apparatus, controlling electromagnetic waves carrying the search request at a predetermined receipt electric power level in the search object range (see co. 7, lines 54-61, col. 7, line 66 through col. 8, line 5, col. 8, line 65 through col. 9, line 12 and col. 21, lines 8-47).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

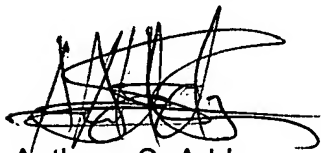
Kasapidis, U.S. Patent Number 6,882,852 discloses cellular telecommunications network.

Yamamoto et al., U.S. Publication Number 2003/0109265 A1 discloses positional information providing apparatus communication terminal mobile communication terminal and positional information providing method.

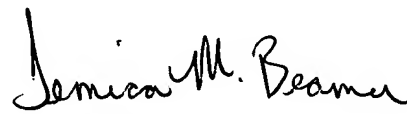
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy
September 30, 2005



TEMICA BEAMER
PRIMARY EXAMINER
9/30/05